

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

[illegible]

P.A.S.: Change of Zone #3321

DATE: May 17, 2001

PROPOSAL: Michael T. Johnson, on behalf of West Gate, Inc. requests a change of zone from R-7 Residential to B-4 Lincoln Center Business District on property generally located at 1729 M Street.

GENERAL INFORMATION:

APPLICANT: Michael T. Johnson
Pierson, Fitchett, Hunzeker, Blake & Katt
1045 Lincoln Mall, Ste 200
Lincoln, NE 68508
(402) 476-7621

CONTACT: Same

LOCATION: 1729 M Street

LEGAL DESCRIPTION: Lot 3, Block 11, Lavenders Addition, located in the Northwest Quarter of Section 25, T10N, R6E, Lincoln, Lancaster County, Nebraska.

SIZE: 7,100 square feet, more or less

EXISTING ZONING: R-7 Residential

EXISTING LAND USE: Graveled parking lot

SURROUNDING LAND USE AND ZONING: Zoned B-4 Lincoln Center Business District with a parking lot and medical offices to the west and a parking lot to the northwest; zoned R-8 Residential to the north with multi-family residential; zoned R-7 Residential to the east and south with multifamily residential.

HISTORY: 1979 Changed from E Multiple Dwelling District to R-7 Residential District.

COMPREHENSIVE PLAN SPECIFICATIONS: Not in Conformance.

- Figure 16 “Lincoln’s Land Use Plan” shows the area as Urban Residential.
- Conflicts with the Goals of the Comprehensive Plan including:
 - Provide an environment for each neighborhood that promotes the safety and well-being of the residents and provides a sense of community.
 - Encourage creative strategies to expand housing Downtown.
 - Strengthen linkages between Downtown and adjacent areas, including the University of Nebraska campus, historic Haymarket District and adjacent residential and commercial neighborhoods.
 - Enhance Downtown as a visually and aesthetically pleasing place providing a broad range of year-round activities.
 - Enhance Downtown as a well-planned, well-designed and maintainable, high quality environment involving public and private developments.
- Conflicts with the following strategies:
 - Develop a community revitalization plan, followed by a more specific redevelopment plan for the area impacted by the Antelope Valley project to coordinate and maximize reinvestment in the area, including strategies for relocated and affordable housing.
 - Include strategies in the Antelope Valley Redevelopment Plan that provide for a smooth transition between commercial and residential land uses; that include design standards to provide architectural styles that are compatible with the surrounding neighborhood; that address streetscape, landscape and amenities; and that relocate structures, to the extent possible, within the same neighborhood.
 - Implement the “Closer to Home Strategies” developed by the neighborhood residents and the Urban Development Department to improve, stabilize and enhance the neighborhoods in and around the Antelope Valley Area. The strategies include housing improvement programs, infrastructure improvement programs, landscaping programs, and technical assistance.

SPECIFIC INFORMATION:

UTILITIES: Available

TOPOGRAPHY: Generally flat

TRAFFIC ANALYSIS: M Street is a local street

REGIONAL ISSUES: Within the Antelope Valley Redevelopment area

AESTHETIC CONSIDERATIONS: The existing parking lot is not paved or landscaped

ALTERNATIVE USES: Any use permitted in the R-7 Residential District, or the applicant could request a Special Permit to continue the use as a parking lot in a residentially zoned area and reconstruct it to current design standards.

ANALYSIS:

1. This is a request for a change of zone from R-7 Residential to B-4 Lincoln Center Business District.
2. The letter of application states that “the original dwelling on the Property was demolished on October 27, 1976. The Property has served as a parking lot since that time. West Gate purchased the Property on September 20, 1996. West Gate has no intention of changing the use of the Property from its present use as a parking lot.”
3. Parking lots can be permitted as a Special Use in the R-7 zoning district.
4. The B-4 Lincoln Center Business District allows a building or premises to be used for **any** lawful purpose except specifically excluded uses, or a few uses that require a Special Permit. The uses that are excluded are typically heavy industrial uses involving the refining, distillation, or manufacture of products including acids, asphalt, ammonia, cement, fertilizer, glue, paint, paper, rubber, shoe polish, grain elevators, natural gas, and other similar products. The Special Permitted Uses include temporary shelters for the homeless, expansion of nonconforming use, historic preservation and uses which exceed the height of the district.
5. The parcel is adjacent to multi-family uses on the east, south and northeast. The proposal would expand commercial encroachment into a multi-family residential area.
6. An example of what could happen in the B-4 district that is incompatible with an abutting residential use is located at the corner of 17th and L, southwest of the parcel in question. A convenience store and gas station was constructed in the B-4 district with the gas pumps and bright canopy lights located next to the apartment building.
7. The parcel is within the area to be reviewed for land use changes in the Antelope Valley revitalization and redevelopment plan. The process to prepare the plan is to begin this summer.

8. The request is not in conformance with the Future Land Use Map or the goals and strategies of the Comprehensive Plan.

STAFF CONCLUSION:

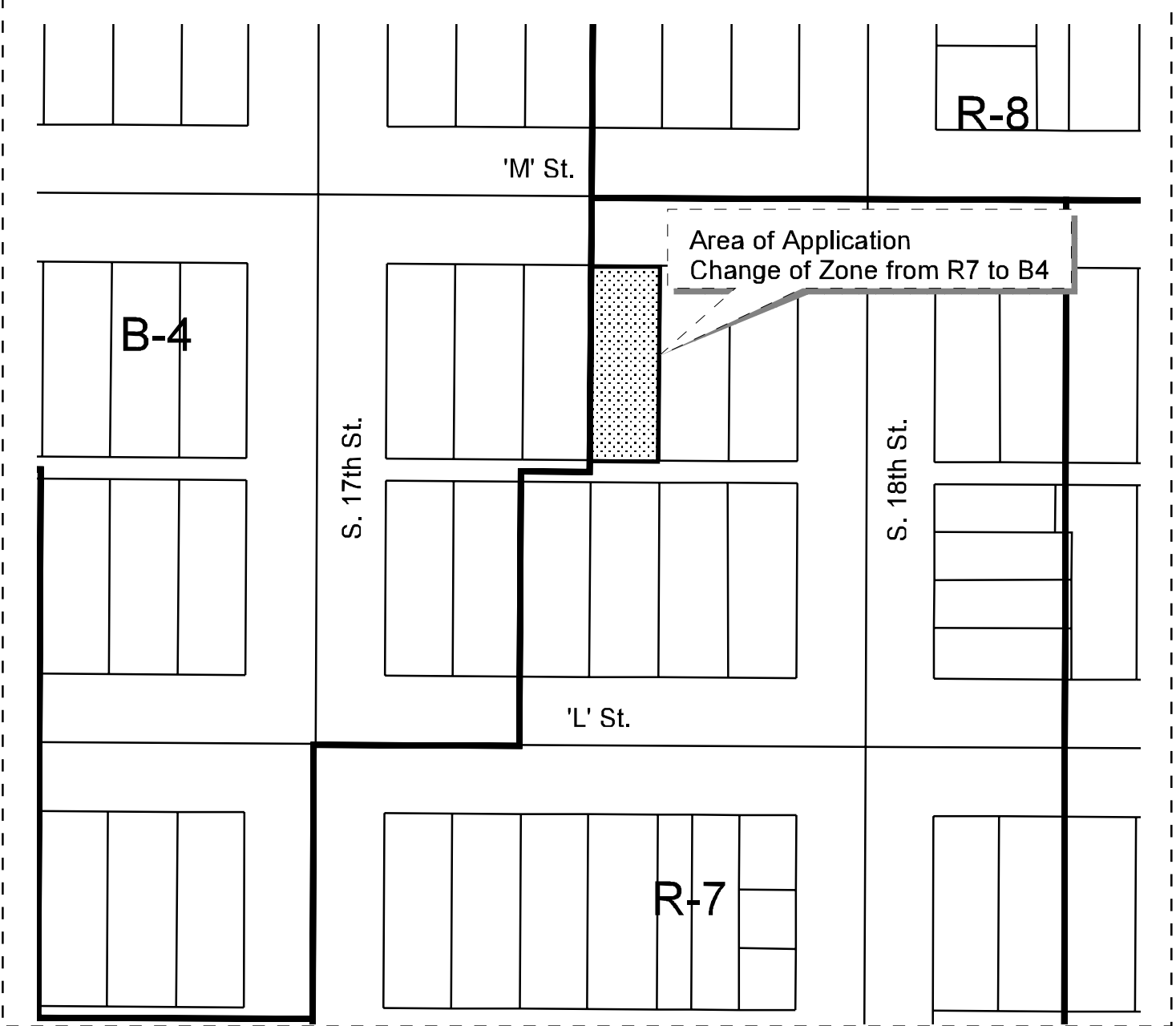
1. The proposal is not in conformance with the Comprehensive Plan.
2. The applicant indicated that the owner intends to continue using the lot for parking. The existing parking lot could be continued through the Special Permit process.
3. The parcel is within the area to be reviewed in the Antelope Valley Redevelopment Plan.

STAFF RECOMMENDATION:

Denial

Prepared by:

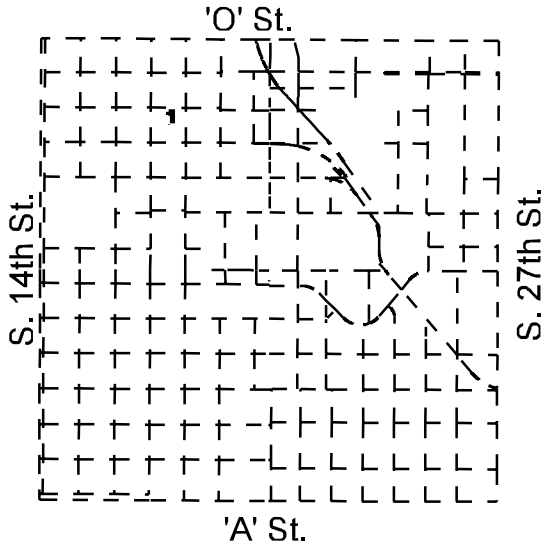
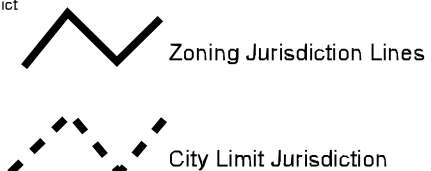
Jennifer L. Dam, AICP
Planner



Change of Zone #3321 **1729 'M' St.**

- Zoning:**
- R-1 to R-8 Residential District
 - AG Agricultural District
 - AGR Agricultural Residential District
 - R-C Residential Conservation District
 - O-1 Office District
 - O-2 Suburban Office District
 - O-3 Office Park District
 - R-T Residential Transition District
 - B-1 Local Business District
 - B-2 Planned Neighborhood Business District
 - B-3 Commercial District
 - B-4 Lincoln Center Business District
 - B-5 Planned Regional Business District
 - H-1 Interstate Commercial District
 - H-2 Highway Business District
 - H-3 Highway Commercial District
 - H-4 General Commercial District
 - I-1 Industrial District
 - I-2 Industrial Park District
 - I-3 Employment Center District
 - P Public Use District

One Square Mile
 Sec. 25 T10N R6E





Change of Zone #3321
1729 'M' St.



Sheet _____ of _____

Date: _____

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

PIERSON, FITCHETT, HUNZEKER, BLAKE & KATT
Law Firm

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Fax (402) 476-7465
Telephone (402) 476-7621

April 5, 2001

VIA HAND DELIVERY

Kathleen Sellman, Director
City of Lincoln Planning Dept.
555 So. 13th Street, Room 213
Lincoln, NE 68508

Re: 1729 "M" Street

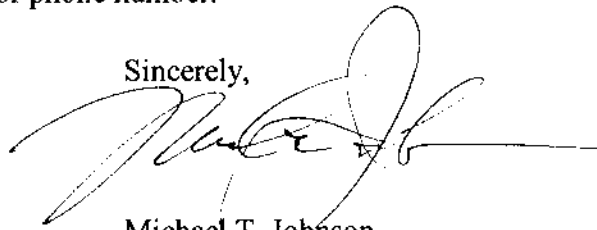
Dear Ms. Sellman:

Enclosed is an application for change of zone from R7 to B4 for 1729 "M" Street, legally described as Lot 3, Block 11, Lavenders Addition to the City of Lincoln, Lancaster County, Nebraska (the "Property"). The owner of the Property is West Gate, Inc. ("West Gate").

The original dwelling on the Property was demolished on October 27, 1976. The Property has served as a parking lot since that time. West Gate purchased the Property on September 20, 1996. West Gate has no intention of changing the use of the Property from its present use as a parking lot.

Thank you for your consideration in this matter, and if you have any questions, please feel free to contact me at the above-listed address or phone number.

Sincerely,



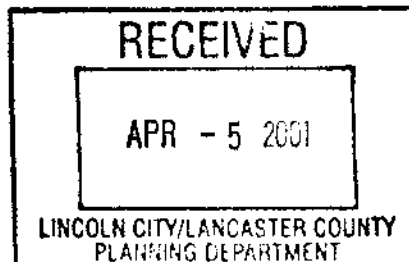
Michael T. Johnson
For the Firm

MTJ:bj

Enclosure

cc: Ed Coppel

(G:\WPData\Mj\WEST Gate-Planning 4-5.1.tr.wpd)



425pm

SEC. 25 - 10 - 6

-101

LA VENDERS

ROBT. M. TURNER'S SUB.

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PLUMB'S PLACE²³

RECORDED & INDEXED

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1977

MCN.

-ST.

OSTRAN'S SUB:

ADD.

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CLOSED BY COL
DEGREE MARCH

VAC. ORD. 9 NO. 14653

LA VENDERS

APR 5 2001

LINCOLN CITY, LANCASTER COUNTY
PLANNING DEPARTMENT

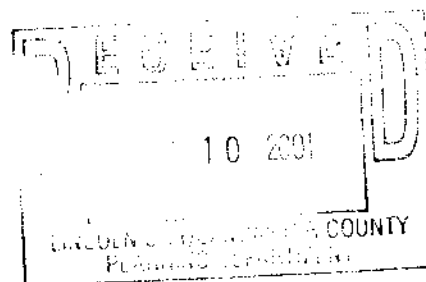
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Memorandum

To: Ray Hill, Planning
From: Rachel Martin, Parks and Recreation
Date: April 10, 2001
Re: Change of Zone #3321

Parks and Recreation Department staff have reviewed the above-referenced proposal and have no comments.

Please phone me at 441-7936 with any questions.



MEMORANDUM

TO: Jennifer Dam, Planning

FROM: Wynn Hjermstad, Community Development Manager Urban Development Department

DATE: May 17, 2001

CC: file

RE: Change of Zone #3321

The Urban Development Department has reviewed the proposal for a Change of Zone #3321 from R-7 to B-4. We have the following concerns:

- The proposal expands commercial zoning into a residential area. There are residential uses immediately east and south of this parcel. The B-4 district allows uses that may not be compatible with residential uses.
- The parcel is within the area to be studied for the Antelope Valley redevelopment plan. Changes in land use should be addressed in that plan.

M e m o r a n d u m

To: Ray Hill, Planning Department
From: Dennis Bartels, Public Works & Utilities
Subject: Change of Zone #3321
Date: May 18, 2001
cc: Roger Figard, Nicole Fleck-Tooze, Bruce Sweney

Engineering Services has reviewed the proposed change of zone from R7 to B4 on a Lot at 1729 'M' Street and finds that the lot is the area of the Antelope Valley Project noted on the Amended Draft Single Package as a development opportunity area. No right-of-way is anticipated to be needed for the project.